IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31174 of 2006(J)

PETITIONER:

PARVATHY,
AGED 70 YEARS, W/O.LATE SRI.THANKAVELU,
RESIDING AT SREELAKSHMI, MUKKAI,
MATTUMANTHA, PALAKKAD.

BY ADV. SMT.P.K.RADHIKA

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
PALAKKAD.

2. THE TAHSILDAR,
PALAKKAD TALUK, CIVIL STATION,
PALAKKAD.

3. ANDAWAN,
S/O.VELLA, KARAKKAD,
AMBIKAPURAM, PALAKKAD.

R1&2 BY G.P. I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.31174 of 2006

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Dated this the 24th day of November, 2006.

JUDGMENT

The petitioner's case is that road puramboke is encroached by third respondent and there is threat of assignment of land to him. Petitioner's grievance is that her access to the road is obstructed on account of encroachment by third respondent. Road puramboke has to be maintained for future development of the road. Therefore, even if presently land is in excess on road side, I feel Government should not allow it to be encroached by people. In the circumstances, W.P. is disposed of directing the first respondent to conduct enquiry and collect views from PWD Engineer in charge of the road and take appropriate action. If third respondent has to be removed, the District Collector will serve notice containing the proposal and hear his objection and pass orders. The petitioner will also be heard in the matter and appropriate site inspection should be got conducted through a responsible officer in Government before Collector deciding the matter finally.

C.N.RAMACHANDRAN NAIR
Judge

pms